

16523 U.S. PTO  
123103

December 31, 2003

Docket No.: 149

17302 U.S. PTO  
10/750712  
123103

Mail Stop Patent Application  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Enclosed herewith for filing is a patent application, as follows:

Inventor(s): Nielsen, James T.

Hausen, Bernard A.

Bombard, David L.

**Title: Surgical Apparatus and Method for Anastomosis**

<u>X</u>	Return Receipt Postcard
<u>X</u>	This Transmittal Letter
<u>202</u>	page(s) Specification (not including claims)
<u>5</u>	page(s) Claims
<u>1</u>	page Abstract
<u>94</u>	Sheet(s) of Drawings
<u>X</u>	Form PTO-1449 and Information Disclosure Statement letter
<u>2</u>	page(s) declaration and power of attorney
<u>2</u>	page(s) assignment, and Recordation Form Cover Sheet
<u>X</u>	Check no. 8959 in the amount of \$506.00
<u>X</u>	Nonpublication Request
<u>X</u>	<b>Applicant(s) assert(s) entitlement to small entity status for the attached patent application.</b>

This application is a continuation-in-part of U.S. Patent Application Serial No. 10/720,618, which in turn is a continuation-in-part of U.S. Patent Application Serial No. 10/607,524, which in turn is a continuation-in-part of U.S. Patent Application Serial No. 10/392,336, which in turn is a continuation-in-part of U.S. Patent Application Serial No. 10/151,441, which in turn is a continuation-in-part of U.S. Pat. No. 6,391,038.

**CLAIMS AS FILED (fees computed under 37 CFR §1.9(f))**

	Number Filed			Number Extra		Rate		Basic Fee
For Total Claims	29	-20	=	9	x	\$9.00	=	\$ 385.00
Independent Claims	3	-3	=	0	x	\$43	=	\$ 0.00
<input type="checkbox"/> Fee of _____ for the first filing of one or more multiple dependent claims per								\$
<input checked="" type="checkbox"/> Fee for recording assignment								\$ 40.00
<input checked="" type="checkbox"/> Total fee for filing the patent application								\$ 506.00
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account 502108.								

**EXPRESS MAIL LABEL NO.:**  
**EV302958495US**

Respectfully submitted,



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<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	Inventors	Nielsen, James T.; et. al.
	Title	Surgical Apparatus and Method for Anastomosis
	Atty Docket Number	149

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

December 31, 2003

Date



Brian A. Schar  
Attorney for Applicants  
Reg. No.: 45,076

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**